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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 JUAN ESCALERA, individually;

10 Plaintiff,

11 vs.

12 SMITH'S FOOD & DRUG CENTERS, INC.;
DOES 1 through 100; and ROE
13 CORPORATION 101 through 200, inclusive,

14 Defendant(s).

CASE NO.: 2:17-cv-02416-RFB-PAL

15 **STIPULATION FOR EXTENSION OF DISCOVERY DEADLINES (First Request)**

16 The above named parties, by and through their respective counsel of record, hereby
17 submit the following STIPULATION FOR EXTENSION OF DISCOVERY DEADLINES (First
18 Request).

19 **A. DISCOVERY COMPLETED TO DATE**

20 This matter involves a slip and fall at one of Defendant's stores. On October 13, 2017,
21 the parties held an initial Rule 26(f) Conference. Defendant served its initial disclosure of
22 witnesses and documents on October 30, 2017. Plaintiff served his initial disclosure of witnesses
23 and documents on November 1, 2017. On November 2, 2017, the Court entered a Stipulated
Discovery Plan/Scheduling Order.

24 The parties have recently propounded written discovery on each other. They will be
25 responded to on a timely basis.

26 Defendant has requested Plaintiff's medical records and films directly from his medical
27 providers through records authorizations provided by Plaintiff.

Counsel has exchanged dates for the depositions of parties and percipient witnesses. The depositions will take place early in 2018.

B. DISCOVERY THAT REMAINS TO BE COMPLETED

Both sides need to respond to written discovery requests. Defendant is still obtaining Plaintiff's medical records through authorizations provided by Plaintiff. Defendant needs to conduct the deposition of Plaintiff and various depositions of Plaintiff's treating healthcare providers once Defendant has received Plaintiff's medical records directly from the providers. Defendant also needs to conduct the deposition of the percipient witness, including Usvaldo Cruz. Defendant may seek to have Plaintiff appear for a Rule 35 Examination.

Plaintiff anticipates conducting the depositions of Defendant's employees and Defendant's Person Most Knowledgeable. The parties also anticipate designating expert witnesses and conducting the depositions of any designated expert witnesses. They may subsequently decide to disclose rebuttal experts.

C. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED

Defendant is still in the process of obtaining medical records and films. It is important to note that the medical records related to this incident are voluminous. At this time, the parties have discussed the above issues and are cooperating to ensure that the records are recovered expeditiously.

Defendant needs to obtain those records and films before conducting the deposition of Plaintiff and his treating healthcare providers. The parties would like to limit their expenses and possibly conduct mediation if warranted. The parties are also in the process of scheduling depositions of key parties and percipient witnesses.

D. PROPOSED DISCOVERY SCHEDULE

Close of Discovery: May 14, 2018

Dispositive Motions: June 14, 2018

Joint Pre-Trial Order: July 13, 2018

Last Day to Amend Pleadings: Closed

Initial Expert Disclosures: March 12, 2018

Rebuttal Expert Disclosures: April 12, 2018

Interim Status Report: March 12, 2018

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E. FRCP 26(a)(3) Disclosures:

The disclosures required by FRCP 26(a)(3), and any objections thereto, shall be included in the joint pre-trial order.

F. Extensions or Modifications of the Discovery Plan and scheduling Order:

Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-4

Date this 21st of December, 2017

COOPER LEVENSON, P.A.

/s/Jerry S. Busby
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IT IS SO ORDERED.

Dated this 19th day of January, 2018


UNITED STATES MAGISTRATE JUDGE

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.